

# The Administrators Legal Class



Revised: 1

Jul 03

# Understanding the Administrative procedures and effecting the results of a Courts Martial



What are our  
responsibilities?

What do we do,  
and when?



First: What  
is a Common  
sequence of  
Events?

# Basic Sequence of Events

- A crime is committed
- Pre-Trial confinement
- Member's Courts Martial
- To confinement
- Release from Confinement
- Voluntary / Involuntary Appellate Leave
- Convening Authority Approval
- Discharge Awarded

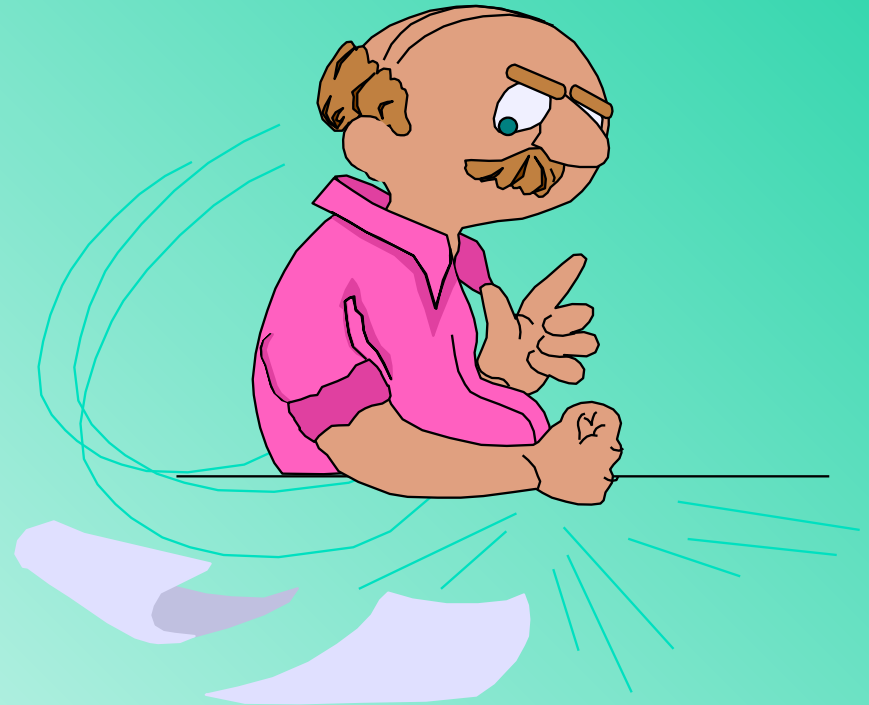


What are  
the **three**  
possible  
types of  
Courts  
Martial?

# Three types of Courts Martial are:

- Summary Courts Martial (SCM)
- Special Courts Martial (SPCM)
- General Courts Martial (GCM)

What are the  
possible results of  
a Courts Martial?





# **1** - Punitive Separation

- Dismissal - Officers, Commissioned Warrant Officers
- Dishonorable Discharge - Enlisted and Warrant Officers (GCM Only)
- Bad Conduct Discharge - Enlisted (GCM or SPCM)

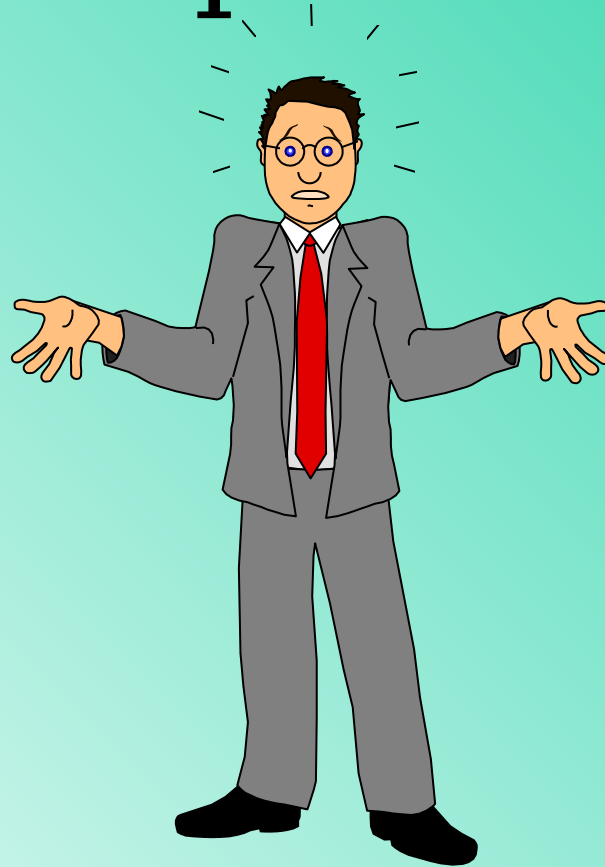
## 2 - Forfeitures of Pay and Allowances

- Sentence to Forfeitures shall state exact whole dollar amounts
- Allowances shall be subject to Forfeiture only when sentence includes Forfeiture of all pay and allowances (GCM only)

# 3 - Reduction in Rank

- Reductions are dictated by the Courts Martial

# What punishments can a Courts Martial impose?



# Maximum Punishments

- SCM E-5 and above
  - Forfeiture of 2/3 Base pay for one month
  - 60 days restriction
  - Reduction to next inferior pay grade
- SCM E-4 and below
  - Forfeiture of 2/3 Base pay for one month
  - Confinement for one month / 45 days hard labor without confinement / 60 days restriction
  - Reduction to the lowest pay grade

# Maximum Punishments

- SPCM
  - Forfeiture of 2/3 Base pay
  - No more than 6 months confinement
  - Reduction to the lowest pay grade
  - BCD

# Maximum Punishments

- GCM
  - Forfeiture of all pay and allowances
  - Confinement from 0 - Life
  - Reduction to the lowest pay grade
  - Dishonorable Discharge
  - Death

# What do we do after the Courts Martial is complete?





# Focus your attention on the Courts Martial results

- Source document - Results of Trial
- Was a punitive discharge awarded?
- Confinement Awarded?
- Pre-trial agreement?
- Confinement and confinement release date?

# Article 57, UCMJ (the 14 day rule)

- ALNAV 010/96 amended the original Article
- Makes Forfeiture of Pay and allowances, and reduction in grade effective either 14 days after sentencing or upon action of the convening authority...whichever is earlier

# Article 58B, UCMJ

- Mandates automatic forfeiture of pay when an accused is in confinement and a punitive discharge has been awarded
  - Automatic 2/3 of pay will take effect on the 14th day after the trial based on the reduced effective rank
  - Pay and allowances are only effected when confined as the results of a GCM

# Marines with dependents...



# Marines with dependents...

- Convening Authority may defer the forfeiture and / or reduction until the sentence is actually approved by the CA vice the 14 day rule
- Additionally, the automatic forfeiture of pay and allowances during the confinement period may be waived up to six months, with the waived forfeiture being paid by involuntary allotment directly to the dependents

Based on the record of trial, and ensuring that CA's action hasn't occurred prior to the 14th day

- Run the appropriate entries in accordance with the MCTFPRIM, CHAP 5
- But wait, what if confinement is involved?
- What do we do from here?

# Lets start by understanding the basics regarding forfeitures of pay and allowances

- Unless a total forfeiture is adjudged, the exact amount in whole dollars and numbers of months the forfeiture will last must be indicated
- Allowances shall be subject to forfeiture only when the sentence includes Forfeiture of all pay and allowances
- If the sentence includes reduction in rank, the max forfeiture shall be based on the grade to which the accused is reduced

# But the Courts Martial only has authority to impose a forfeiture of:

- $\frac{2}{3}$  of the accused base pay for SPCM
- Full pay and allowances for a GCM
- If it were a perfect world, the court would automatically adjudge forfeiture that would equate to  $\frac{2}{3}$  of the accused base pay and the forfeiture would be effected via unit diary



# Not a perfect world...

- If forfeiture adjudged is less than 2/3 of the accused pay, then admin must prepare a NAVMC 11116 to send to disbursing in order for them to check the appropriate difference
- Keep in mind, this is only for time spent in confinement
- Close communication must be kept on release date to include early release for “good time”

# Example....SPCM

- E-4 awarded a SPCM
  - BCD
  - Reduction to E-1
  - Forfeiture \$600.00 per months x 3 months
  - 60 days confinement
  - No pre-trial confinement

# What do we key on first?

- E-4 Awarded SPCM
  - BCD
  - Reduction E-1
  - Forfeiture \$600.00 x 3 months
  - 60 days confinement
  - No pre-trial confinement

# Punitive Discharge was awarded.

## Next we need to check?

- E-4 Awarded SPCM



- BCD

- Reduction E-1
- Forfeiture \$600.00 x 3 months
- 60 days confinement
- No pre-trial confinement

# Not only the confinement adjudged but also if

- E-4 Awarded SPCM
  - BCD
  - Reduction E-1
  - Forfeiture \$600.00 x 3 months
  - 60 days confinement
  - No pre-trial confinement

Okay so member is in  
confinement serving 60  
days...

- E-4 Awarded SPCM
  - BCD
  - Reduction E-1
  - Forfeiture \$600.00 x 3 months
  - 60 days confinement
  - No pre-trial confinement



# Reduction can be run on the unit diary on what day?

- 14 days after the last day of trial
- Record of trial will indicate the date the reduction should be effected
- If trial ended on 1 June 2003 then reduction will be run on 15 June 2003

Along with the  
reduction we must also  
effect the...

- E-4 Awarded SPCM

- BCD

- Reduction E-1



- Forfeiture \$600.00 x 3 months

- 60 days confinement

- No pre-trial confinement



Okay, so we have  
effected the reduction  
and the forfeitures.

Accused is in the Brig,  
what else do we need to  
make happen?

- The members forfeiture of \$600.00 per month is based on his new E-1 Rank
- When in confinement we have to ensure that 2/3 pay is checked

# How do I ensure that 2/3 pay is checked?

- E-1 Base pay is \$1150.80
- 2/3 of pay equates to \$767.00
- Total month forfeiture is only \$600.00
- Disbursing needs to check the additional \$167.00 per month for period of confinement
- This additional checkage does not take effect until the 14th day after trial

Okay, so no more action  
on your part  
right?...Wrong...

- Chances are that the accused will not serve the entire 60 days in confinement
- When released, disbursing needs to credit any forfeiture previously checked if they checked for the entire 60 days and member was released early

# Lets try a Summary Courts Martial

- E-3 Summary Courts Martial
  - Awarded \$200.00 per month x 3 months
  - 30 days confinement
  - Reduction to E-2

punitive discharge  
cannot be awarded  
what should we focus  
on?

- E-3 Summary Courts Martial

- Awarded \$200.00 per month x 3 months
- 30 days confinement
- Reduction to E-2



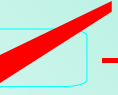
# Unit Diary action as follows

- To confinement
- 14th day you run the forfeitures and reduction
- No additional checkage based on the length of confinement and no punitive discharge awarded

# Lets try one more

- E-6 Awarded GCM
  - Reduction to E-1
  - Forfeiture of all pay and allowances
  - Dishonorable discharge
  - 1 year confinement

# First thing that we can effect is?

- E-6 Awarded GCM
  - Reduction to E-1
  - Forfeiture of all pay and allowances
  - Dishonorable discharge
  -  - 1 year confinement



# Run the confinement, next we focus on

- E-6 Awarded GCM



- Reduction to E-1
- Forfeiture of all pay and allowances
- Dishonorable discharge
- 1 year confinement

# And...

- E-6 Awarded GCM

- Reduction to E-1



- Forfeiture of all pay and allowances

- Dishonorable discharge

- 1 year confinement

# Do we need any additional action other than the Unit Diary entry?

- Run the confinement on the day the member goes to confinement
- Run the reduction and total forfeiture on the 14th day after trial
- Since all pay and allowances will be forfeited no further disbursing action is necessary

# Sources & Additional Information MCM/ALNAV

- MCM Article 57 and 58B are very important
- Violation of these Articles are costing the Marine Corps and the U.S. Government Millions of dollars annually

# Questions?

